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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

| | |
|-----------------------------|-------------------|
| OREGON FIREARMS FEDERATION, |) |
| INC., |) |
| et al., |) |
| |)Civil No. |
| Plaintiffs, |)2:22-cv-01815-IM |
| v. |)(Lead Case) |
| |) |
| KATE BROWN, et al., |)Civil No. |
| |)3:22-cv-01859-IM |
| Defendants. |)(Trailing Case) |
| |) |
| (Continued) |)Civil No. |
| |)3:22-cv-01862-IM |
| |)(Trailing Case) |
| |) |
| |)Civil No. |
| |)3:22-cv-01869-IM |
| |)(Trailing Case) |

* VIDEOCONFERENCE *

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF
EXPERT BRIAN DELAY

Witness located in:
Berkeley, California

* All participants appeared via videoconference *

DATE TAKEN: March 14, 2023

REPORTED BY: Tia B. Reidt, Washington RPR, CCR 2798
Oregon # 22-0001

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(continued))
)
MARK FITZ, et al.,)
)
Plaintiffs,)
v.)
)
ELLEN F. ROSENBLUM, et al.,)
)
Defendants.)

)
KATERINA B. EYRE, et al.,)
)
Plaintiffs,)
)
v.)
)
ELLEN F. ROSENBLUM, et al.,)
)
Defendants.)

)
DANIEL AZZOPARDI, et al.,)
)
Plaintiffs,)
v.)
)
ELLEN F. ROSENBLUM, et al.,)
)
Defendants.)

APPEARANCES

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* * * * *

1 Q. Okay.

2 And just -- can you describe the scope of what
3 the defense asked you to provide in terms of an
4 opinion?

5 A. I was asked to offer my opinion about the
6 history of high-capacity firearms, most especially in
7 and around the time of the ratification of the Second
8 Amendment and the Fourteenth Amendment, but more
9 generally insofar as I needed to establish a broader
10 context.

11 Q. So were you asked to comment at all about the
12 portion of Measure 114 that involves the permitting
13 system?

14 A. No, I was not.

15 Q. Okay.

16 And when you use the term "high-capacity
17 magazine" or "high-capacity firearm," can you give me
18 some kind of a definition of that? I see it in your
19 declaration, but it might be helpful for this context.

20 A. Sure. So for the purposes of my declaration,
21 I defined a high-capacity firearm as a firearm capable
22 of firing ten or more rounds without needing to be
23 reloaded.

24 Q. And in other venues or in other contexts, is
25 that also called a large-capacity magazine?

C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Tia Reidt, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of Brian DeLay, having been duly sworn, on March 14, 2023, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of March, 2023.



/S/ Tia B. Reidt
Tia B. Reidt, # 22-0001
NOTARY PUBLIC, State of
Washington.
My commission expires
5/15/2026.